IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 13806 of 2006(R)

AGAINST THE ORDER IN EP. 45/2005 IN
OS.60/2003 of MUNSIFF COURT, MAVELIKKARA

.....

PETITIONER:

P.K.JOSE, PARAYIL KAVIL HOUSE,
PELA MURI, KANNAMANGALAM.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENT:

N.VIJAYAN, THATTASSERIL VEEDU,
EREZHA NORTH MURI, KANNAMANGALAM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 13806 OF 2006

Dated this the 3rd day of July, 2007

JUDGMENT

Mr.R.Krishna Raj, learned counsel for the petitioner submits that the petitioner has certainly complied with the condition imposed by this Court on 26.05.06 while granting stay, i.e., the petitioner shall deposit a sum of Rs.40,000/- before the court below within two months from the date of order.

2. Having regard to the grounds raised in the Writ Petition and submissions of Mr.Krishna Raj and in the nature of the order which is being passed, I am of the view that it is not necessary that this Court waits till service is completed on the respondents.

The court below will verify whether the petitioner has made the payment of Rs.40,000/- within the time limit stipulated by this Court in its order dt.26.05.06. If it is seen on such verification that the payment has been made, the court below will hold up all coercive action against the petitioner for another six weeks from today. It is open to the petitioner, in the meanwhile to sort out the issue finally with the respondent. The Writ Petition will stand closed as above. But if on verification it is seen that the petitioner has not complied with the condition imposed by this court, the petitioner will not get the benefits of this judgment.

PIUS C. KURIAKOSE, JUDGE

btt